



INDIAN INSTITUTE OF MANAGEMENT CALCUTTA



CONTRACT MANAGEMENT AND ARBITRATION



Programme Directors:
Prof. R. Rajesh Babu & Prof. V. K. Unni



Programme Dates:
February 12 - 16, 2024



Programme Venue:
MDC, IIM Calcutta

INTRODUCTION

The MDP Contract Management and Arbitration intends to provide the participants a comprehensive understanding on the legal issues in commercial transactions with specific focus on contractual issues and commercial dispute resolution. The Programme shall address different types and facets of contracts and the rights, obligations and implications on business operations. The course shall legal issues in contracts, contract with governments, breach of contract, special contracts, tender and procurement, project finance contracts, legal issues involving infrastructure companies and cyber contracts. In addition, the dispute management techniques such as Adjudication, Arbitration and Alternative Dispute Resolution the understanding of which are imperative for today's managers, are discussed. Having a reasonable understanding of the contract law and dispute resolution methods, which are foundation to all legal transactions, will help the managers/executives in designing the strategies for competitive advantage.

OBJECTIVES

More specifically, the Programme objectives are to:

- Provide basic understating of the legal aspects of business;
- Provide a foundation of commercial contracts management, managing legal risk associated with breach of contracts;
- Address legal issues in tender and procurement, project financing, infrastructure contracts, and e-contracts, etc;
- Provide a comprehensive understanding the commercial dispute settlement techniques such as adjudication, arbitration and alternative dispute resolutions



PEDAGOGY

Case studies, lecture and discussion.



WHO MAY ATTEND

Junior and Mid Level Managers/Executives.



KEY TOPICS

General Principles Contracts: Ingredients of a valid contract; Privity of Contract, exceptions; Breach of Contracts; Remedies for Breach of Contracts; Measure of damages; Liquidated damages and penalty, Quasi Contracts; Government contracts; Special Contracts Case-laws.

Contracts: Tender and Procurement; Legal issues in inviting tenders; Bidding and evaluation procedures; Relevance of evaluation criteria, public Procurement; Bidding process involving pre-qualification, Request for Proposals, Bid evaluation system, Bid negotiation, case-laws on tendering.

Project Finance Contracts: various forms of project contracts; Ring fencing, high leverage, non-recourse finance; BOLT, BOT Projects; Receivable financing, Securitization; Benefits to investors, Loan Syndication; Off-take Contracts, Take or Pay Contracts; Long-term Sales Contract, Throughput Contracts; Compensation for Additional Costs; Step-in Rights, Force Majeure, Termination; Ancillary Contracts, Construction Contracts; EPC/DPC Contracts; Infrastructure contracts.

Cyber Contracts: Contracts in the information technology era; Importance of E-Contracts; Digital Signatures and contract formation ; Assymmetric key encryption, Digital signature certificates ; Legal issues involved in control of private key.

Arbitration and Alternative Dispute Resolution: Adjudication; Arbitration; Conciliation; Mediation; Lok Adalats; Arbitral Tribunals and Arbitral awards; Recourse against arbitral award; Enforcement of foreign awards; Investment Arbitration under BITS, ICSID, etc.



PROGRAMME DIRECTORS

Prof. R. Rajesh Babu is Professor of Law at the Indian Institute of Management (IIM) Calcutta. A lawyer by training, he obtained his Ph.D. and M.Phil. in International Law from Jawaharlal Nehru University, New Delhi and an LL.M. from Cochin University. Before joining IIM Calcutta, Rajesh served as Senior Legal Officer (2002-2009) in the Asian-African Legal Consultative Organization (AALCO), New Delhi an intergovernmental organization (IGO) having permanent observer status with the United Nations. He was also a Trainee at the Legal Affairs Division of the World Trade Organization (WTO), Geneva, Switzerland in 2002. Rajesh has been a global scholar in-residence at the Graduate Institute (IHEID), Geneva in 2011. His published research, research and teaching interests are in international economic law, arbitration and adjudication, corporate liability, constitutional law, property rights, and law and public policy. His recent book is 'Remedies under the WTO Legal System' (Martinus Nijhoff, Boston/Leiden 2012) and Management Education in India (Springer 2017).

Prof. V. K. Unni is a professor of public policy & management at the Indian Institute of Management Calcutta. Unni is a corporate lawyer by training, and did his Ph.D in Intellectual Property Law at Nalsar University of Law. Later he joined NALSAR University as a lecturer and assistant professor of law teaching subjects like Banking and Finance Law and Intellectual Property Law. Presently he teaches at IIM Calcutta as a professor. Unni had done his doctoral and graduate studies in the field of Intellectual Property Rights (IPR) and presently holds the Max Planck India Fellowship instituted by the Max Planck Society. In 2008 he became the first and only recipient of the Max Planck India Fellowship from the field of Law. Prof. V.K. Unni, has become the first Indian IP academician to receive the prestigious Thomas Edison Innovation Fellowship 2016-17 from the Center for the Protection of Intellectual Property (CPIP) at George Mason University School of Law, Virginia, USA. At IIM Calcutta he teaches Public Policy and Management courses at the doctoral and postgraduate levels.



PROGRAMME DETAILS

- **Duration:** February 12 - 16, 2024
- **Programme Commencement:** 9:00 AM on February 12, 2024
- **Programme Conclusion:** 2:00 PM on February 16, 2024
- **Venue:** Management Development Centre (MDC), IIM C Campus
- **Accommodation:** For Residential participants
 - **Check in:** February 11, 2024 (6:00 pm onward)
 - **Check out:** February 16, 2024 (2:00 pm)

PROGRAMME FEES

- **Residential (R):** ₹ 110,000/- plus taxes and surcharges as applicable.
- **Non-Residential (NR):** ₹ 100,000/- plus taxes and surcharges as applicable.

We would strongly encourage candidates to enroll as Residential participants, as the experience of an MDP is optimized in a full-immersion mode.

Discount on Programme fees:

A discount of 10% on the Programme fees can be availed by an organization if it nominates at least 4 participants for a particular MDP.

TERMS & CONDITIONS

- Participants would have to make their own travel arrangements.
- Accommodation at IIM C will be provided till 2.00 p.m. on the last day of the Programme. Participants staying beyond this time will have to bear additional stay and food charges, which they have to settle directly with the hospitality service provider, conditional upon room availability.
- Cancellation Policy: In case you/your nominated candidate(s) does(do) not attend the programme, 40% of the programme fees will be retained, as per policy.
- Executive Education Alumni: With effect from April 1, 2017, participants of IIM Calcutta's 'Open' MDPs who attend 20 days of learning through two or more Open MDPs will be eligible to apply for 'Executive Education Alumni of IIM Calcutta' status.



HOW TO APPLY

- You can apply/nominate your personnel by clicking on the “Apply Now” link corresponding to the particular MDP, as appearing on our online calendar available at: <https://iimcal.ac.in/mdp/mdp-calendar>
- Once the candidature(s) is (are) approved, the sponsoring authority or participant (in case of self-nomination) will be intimated over email along with the Payment Advice seeking programme fees in advance.
- Programme fees can be remitted online through Electronic Fund Transfer (NEFT/RTGS).
- Upon remitting the fees online, kindly intimate CMDP office with the UTRNo./relevant transaction details through email, so that we can connect your remittance to your nomination(s). Please note that confirmation of participation is subject to receipt of Programme fees by CMDP Office before commencement of the MDP.

IIM CALCUTTA’S ACCREDITATIONS AND RANKINGS

- Triple accreditations by AACSB (Association to Advance Collegiate Schools of Business), AMBA (Association of MBAs) and EQUIS.
- IIM Calcutta is the only B school in India to be a member of CEMS, a global alliance of leading business schools, multinational companies and NGOs
- IIM Calcutta has been ranked 2nd in India and 59th globally in ‘Open-enrolment Programmes’ category in the Financial Times Executive Education Ranking 2022. The Institute has secured 76th rank in Financial Times Global MBA Ranking 2023 and 1st in BT-MDRA Best B-School Survey 2022



Our correspondence address is as follows:

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For all other details on administrative matters please refer to the ‘Guidelines for Participants’ on our website or e-mail to program_mdp@iimcal.ac.in